

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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SHERRELL WILSON,

Petitioner-Defendant,

v.

UNITED STATES OF AMERICA,

Respondent-Plaintiff.  
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CASE NO. 1:06-CR-338

ORDER

[Resolving Docs. No. [685](#) & [686](#).]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Petitioner Sherrell Wilson pleaded guilty in 2007 to trafficking marijuana and cocaine, and received a sentence of 240 months' imprisonment. [[Doc. 469](#).] On June 19, 2012, this Court dismissed his petition filed under [28 U.S.C. § 2255](#) to vacate that sentence, and denied his motion to toll the relevant limitations period. [[Doc. 680](#).] On July 5, 2012, Wilson filed a notice of appeal of that order to the United States Court of Appeals for the Sixth Circuit. [[Doc. 681](#).] On January 4, 2013, the Sixth Circuit held Wilson's appeal in abeyance so that this Court may consider whether to grant Wilson a certificate of appealability. [Doc. 685.]

Because reasonable jurists could debate whether the tolling issue should have been resolved differently, *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), this Court GRANTS Wilson a certificate of appealability as to his tolling claim. Wilson's motion for leave to file a brief in support of a

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certificate of appealability [doc. [686](#)] is DENIED AS MOOT.

IT IS SO ORDERED.

Dated: January 25, 2013

s/ *James S. Gwin*  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE